

ORIGINAL

EX PARTE OR LATE FILED

November 18, 2002

RECEIVED

NOV 18 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND DELIVERY

Chairman Michael K. Powell
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Kathleen Q. Abernathy
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Communication in CC Docket Nos. 02-33, 98-10 & 95-20, CS
Docket No. 02-52 & GN Docket No. 00-185

Dear Chairman Powell and Commissioners:

The myriad benefits of the Internet Age flow from one fundamental feature – the ability of consumers and businesses to communicate with one another and lawfully to create, share and access information, all without obstruction from network service providers. The undersigned members of the Coalition of Broadband Users and Innovators believe that this freedom has made the Internet the powerful communications and technology tool that it is today. Ensuring that this freedom endures will help the economy in many ways, including by extending the productivity gains and increased opportunities for small businesses that the Internet has provided over the past decade.

Even before the Internet was invented, the FCC and policymakers around the globe recognized the value of this principle. They are to be commended for having assured for decades that, by law, network operators cannot infringe or encumber the relationships among their customers or between their customers and destinations on the network. Adherence to this principle has led to the development of a competitive market for data processing, content distribution, Internet access, interactive services, and the development of devices attached to those offerings. We urge the Federal Communications Commission to bring this fundamental rule forward, into the broadband era.

We share the Commission's goal of promoting broadband and agree that "ubiquitous broadband deployment will bring valuable new services to consumers, stimulate economic activity, improve national productivity, and advance economic opportunity for the American public." We are extremely concerned, however, that the robustness and innovativeness of the Internet will be at risk and broadband adoption will be slowed unless the FCC takes the necessary steps to preserve this principle. The Commission should assure that consumers and other Internet users continue to enjoy the unfettered ability to reach lawful content and services, and to communicate and interact with each other and reach desired Internet

destinations without impediments imposed by transmission network providers. Despite our differences on the details of a solution, we are unanimous in our agreement that the Government must ensure that transmission network operators do not encumber relationships between their customers and destinations on the network.

Sincerely,

AeA
Alliance for Community Media
Amazon.com
Apple Computer, Inc.
Association for Competitive Technology
Association for Independent Video and Filmmakers
Association for Local Telecommunications Services
Competitive Telecommunications Association
CompTIA
Consumer Electronics Association
eBay Inc.
Information Technology Association of America
Media Access Project
Microsoft Corporation
National Association of Manufacturers
RadioShack Corporation
The Walt Disney Company
Yahoo!

Members of the Coalition of Broadband Users and Innovators

CBUI

November 18,2002

Page 3

cc: Ms. Susan Eid
Mr. Chris Libertelli
Mr. Matt Brill
Ms. Stacy Robinson
Mr. Jordan Goldstein
Ms. Alexis Johns
Mr. Dan Gonzalez
Ms. Catherine Bohigian
Mr. Kenneth Ferree
Mr. Kyle Dixon
Ms. Marjorie Greene
Ms. Mary Beth Murphy
Mr. John Norton
Mr. William Maher
Mr. Richard Lerner
Ms. Michelle Carey
Mr. Thomas Navin
Mr. Brent Olson
Mr. John Rogovin
Ms. Debra Weiner
Mr. Harry Wingo
Mr. Simon Wilkie
Ms. Barbara Cherry
Mr. Scott Marcus
Ms. Marlene Dortch